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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/341,635	07/14/1999	RUI B. FERREIRA	DEXNON/087/P	5372

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EXAMINER

TORRES VELAZQUEZ, NORCA LIZ

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 10/30/2002

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/341,635

Applicant(s)

FERREIRA ET AL.

Examiner

Norca L. Torres-Velazquez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-23 is/are pending in the application.
- 4a) Of the above claim(s) 18-22 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15 and 17 is/are allowed.
- 6) ☒ Claim(s) 2-10, 16 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on August 12, 2002 have been fully considered but they are not persuasive.

- a. Applicants argue that the RICHTER reference does not disclose the use of unpulped natural fibers, instead uses "unbleached, preliberated cellulose pulps as raw material".

The Examiner has considered Applicants remarks regarding the RICHTER reference, and will like to point out that the reference teaches the use of wool fibers to be used as a blend with an aqueous suspension of the cellulose pulp the reference teaches. It further discloses that the cellulose pulp may be preliberated wood pulps of longer-fibered pulps, such as derived from manila, sisal, ramie or the like. (Page 2, lines 54-60)

Wool fibers are natural fibers, however, these are not vegetable fibers as required by Applicants invention as disclosed in the Specification. (Page 6)

Therefore, the rejection of claims 2-3 and 5-6 under 35 U.S.C. 102(b) over RICHTER (US 1,956,045) has been withdrawn.

- b. Applicants stated that the HOLM et al. (US 5,958,186) reference is not a properly 35 U.S.C. 102(e) rejection prior art to Applicant's claims.

The rejection of claims 2-7, 11-13, 15 and 17 under 35 U.S.C. 102(e) over HOLM et al. (US 5,958,186) has been withdrawn. However, claims 2-7, 11-13, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by HOLM et al. (WO 96/12849) as stated below.

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c. Applicants have concluded that HOLM's teaching must refer to pulped or elementary or freed fibers and that it does NOT teach or suggest the use of unpulped fibers or unpulped fiber bundles.

However, on Page 4 lines 4-6 of the HOLM et al. reference (WO 96/12849) is stated that "the invention implies that a fibre web comprising a mixture of pulp fibres and long hydrophilic plant fibres is wet-laid...". The Examiner does not agree with Applicants conclusion since the reference distinguishes between the two types of fibers as part of the fiber web. If all the fibers were pulped the reference would have not listed them separately. Further, on page 3 lines 33-36, the reference gives the example of "Seed hair fibers" that are present naturally in the form of elementary fibres, therefore there is no need for these to be pulped.

d. Rejection of claim 14 under 35 U.S.C. 103(a) over HOLM et al. in view of JOHANSSON et al. has been withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 16 recites the limitation "...the web material of claim 1..." in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 1 has been canceled.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 2-7 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by HOLM et al. (WO 96/12849).

HOLM et al. discloses a nonwoven material produced by hydroentanglement of a wet-laid web. The material comprises a mixture of short plant fibres, in particular pulp fibres, and long hydrophilic plant fibres, where the major portion of the fibres presents a fibre length which is at least 10 mm. (Abstract) The long plant fibres may be constituted by all types of leaf fibres. Examples of leaf fibres are abaca. The invention implies that a fibre web comprising a mixture of pulp fibres and long hydrophilic plant fibres is wet-laid. The reference also gives the example of seed hair fibres which are present naturally in the form of elementary fibres. (Page 3, line 15 – Page 4, line 7)

The reference further discloses the use of synthetic or regenerated staple fibers, e.g. polyester, polyamide, polypropylene, rayon, or the like. (Page 1, lines 24-27) HOLM et al. further teaches that in order to achieve high material strength, a mixing-in of fibres, which are longer than the pulp fibres, is required. It is therefore common to mix in a certain proportion of synthetic or regenerated staple fibres. (Page 2, lines 1-5) According to WO 91/08333, hydrophobic plant fibres can be wet-laid and bound by means of hydroentanglement, resulting in a hydrophilic nonwoven material. In this case the hydrophobic fibres maintain a large part of their bending stiffness during the wet-laying process, which allows a comparatively uniform fibre formation. (Page 2, lines 24-29) The reference further discloses that after hydroentanglement, the material is pressed. (Page 5, lines 1-3).

Regarding claims 15 and 17, the prior art is found to disclose each chemical and structural feature instantly claimed, therefore it must meet the property requirement specified, otherwise, applicant's claim is incomplete. Note ex parte SLOB (157 USPQ 172) which supports this position.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8-10, rejected under 35 U.S.C. 103(a) as being unpatentable over HOLM et al. as applied to claims 2-7 and 23 above.

It is noted that HOLM et al. is silent with respect to the claimed basis weight and elasticity. It would be obvious to optimize the basis weight and elasticity depending on how much strength is wanted in the material.

Allowable Subject Matter

8. The following is a statement of reasons for the indication of allowable subject matter:

Claims 11-15 and 17 are allowable since the prior art of record fails to teach a multi-layer sheet material particularly comprising the claimed nonwoven web with a pulp web secured to it.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

DIJKEMA et al. (US 5,399,422) – discloses a laminate from at least two layers, a spun bonded nonwoven layer containing thermoplastic endless filaments, as a first layer, and a wetlaid nonwoven layer manufactured by the wet method with short staple fibers made of inorganic fibers as the second layer. (Abstract)

VIAZMENSKY et al. (US 5,009,747)

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 703-306-5714. The examiner can normally be reached on Monday-Thursday 8:00-2:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

nlt
October 24, 2002


ELIZABETH M. COLE
PRIMARY EXAMINER